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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,776	11/17/2003	Douglas C. Mittag	P03,0307	2419
26574	7590	04/05/2006	EXAMINER	
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			HAWK, NOAH CHANDLER	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,776	Applicant(s) MITTAG ET AL.	
	Examiner Noah C. Hawk	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 7, 9, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Regarding Claims 2 and 3, the instant claims recite steps in the method for installation but do not disclose when the steps are to be carried out. It remains unclear whether these steps could be carried out if all of the steps of Claim 1 had already been carried out.

- b. Regarding Claim 5, the phrase "before the door panels are installed" renders the claim indefinite. The claim discloses a step in the method for installation but does not specifically recite when the step is to be carried out. The applicant must clarify when the doors are considered installed – when the door panels are inserted into the bottom door jamb or when the upper door jamb is installed.

- c. Regarding Claim 7, the instant claim recites the step of "installing pin plates" "prior to installing the top and bottom supports" but Claim 1 does not provide the pivot pins on the doors until after the top and bottom supports are

installed. It is unclear at what point in the installation process the pivot pins are to be included; the applicant must clarify this inconsistency in the claims.

d. Regarding Claim 9, the instant claim recites that the “top and bottom supports are constructed the same as the shelf supports” but in Claim 1, the cabinet is stated to include existing shelf supports. It is unclear whether the applicant wishes to install additional top and bottom supports (regardless of the fact that they may be *constructed* the same as a shelf support) or utilize the extant shelf supports of the cabinet. Top and bottom supports constructed the same as the shelf supports can still be considered the same article.

e. Regarding Claim 11, the instant claim recites that the “top and bottom supports are the same as the shelf supports” but in Claim 10, the cabinet is stated to include existing shelf supports. It is unclear whether the applicant wishes to install additional top and bottom supports (regardless of the fact that they may be *constructed* the same as a shelf support) or utilize the extant shelf supports of the cabinet.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

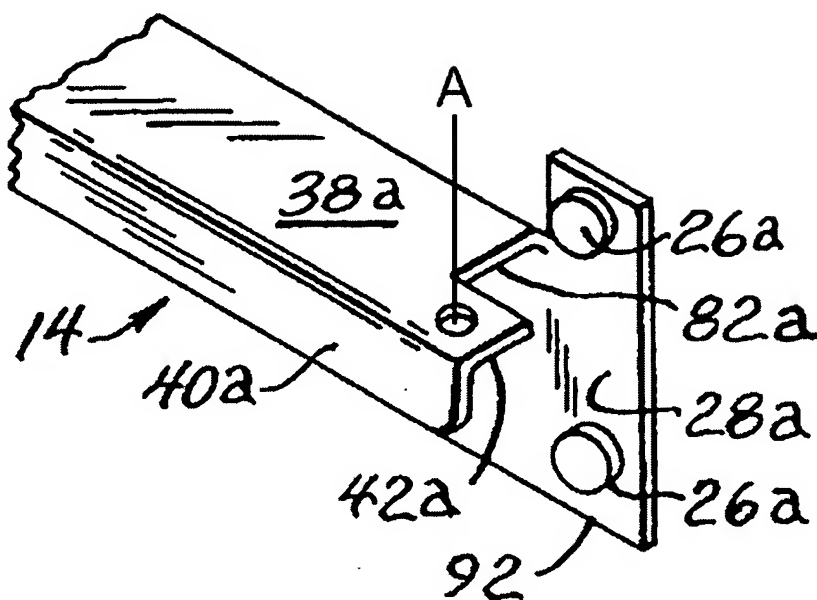
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3637

4. Claims 1, 4, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Maro in US Patent 5570940.

f. Regarding Claim 1, Maro discloses installing left and right door panels on a steel shelving cabinet by installing a bottom support (80) to front corner posts (20, 22) at the bottom of the cabinet and a top support (78) to the front corner posts at the top of the cabinet, installing a bottom jamb (14) on the bottom support, providing pivot pins (47) at a top and bottom of each of the right and left door panels (16, 18), inserting the bottom pins in respective apertures (A) at the front corners of the bottom door jamb and positioning an upper door jamb (12) such that apertures (44) of the upper door jamb are received over the top pivot pins of the right and left door panels and attaching the upper door jamb to the top support.



Maro '940, Figure 6

- g. Regarding Claim 4, Maro further discloses placing a bushing (48) over the pivot pins.
- h. Regarding Claim 9, Maro further discloses that the bottom and top supports are constructed the same as shelf supports of the cabinet (see Maro, column 4, lines 50-52).

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3637

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maro as applied to claim 1 above in view of Keil in US Patent 5265954.

i. Regarding Claim 5, as stated above, Maro discloses all of the limitations of Claim 1 including the assembly of a door unit but does not teach the use of pivot pins provided on plates. Keil discloses providing pivot pins (84) on pivot pin plates (44, best seen in Keil, Figure 2) at the top and bottom of a swinging door (20). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Maro by providing pivot pins mounted on plates as taught by Keil in order to reinforce the pins.

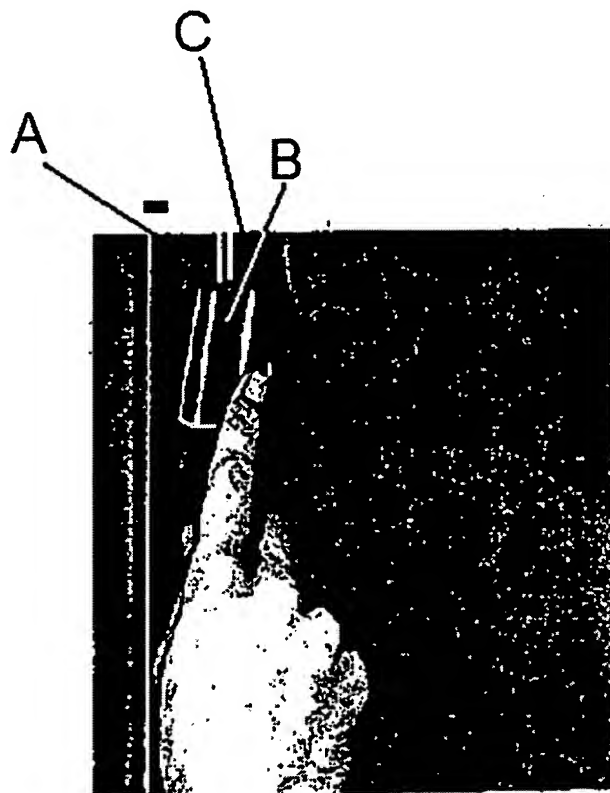
j. Regarding Claim 6, it would have been obvious to one of ordinary skill in the art at the time of invention to install the pin plates after installing the bottom door jamb in order for the door structure to be ready when the door is to be installed.

k. Regarding Claim 7, it would have been obvious to one of ordinary skill in the art at the time of invention to install the pin plates prior to installing the bottom and top supports so that the door is prepared for installation as soon as the door structure is completed.

7. Claims 2, 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maro as applied to claim 1 above, and further in view of Aurora Assembly

Art Unit: 3637

Instructions No. 3502-A cited in the IDS filed on 11/17/03. As stated above, Maro teaches all of the limitations of Claim 1 including the assembly of a door unit but does not teach the use of an extender or an extender clamp. Aurora teaches the step of attaching an extender (A) to the front corner post (C) of a shelving cabinet as well as employing an extender clamp (B) to clamp a back surface of each extender to a flange surface of each of the front corner posts. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Maro by using extenders and extender clamps as taught by Aurora and attaching the extenders prior to installing the top and bottom supports in order to provide and securely attach a means to prevent dust accessing the contents of the cabinet.



3

Secure frame by pressing steel clips over edge of post and flange of frame—one at top and then adjust screws in clips finger tight.

Aurora Assembly Instructions, Figure 3

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maro in view of Sanders et al. in US Publication 2001/0016787. Maro discloses retrofitting left and right door panels on a steel shelving cabinet by installing a bottom support (80) and a top support (78) to the front corner posts (20, 22), providing pivot pins (47) at a top and bottom of each of the right and left door panels (16, 18), installing a bottom jamb (14) on the bottom support, inserting the bottom pins in respective

apertures (A) of the bottom door jamb and positioning an upper door jamb (12) such that apertures (44) of the upper door jamb are received over the top pivot pins of the right and left door panels and attaching the upper door jamb to the top support. Further, Maro discloses that the bottom and top supports are the same as shelf supports of the cabinet (see Maro, column 4, lines 50-52), but does not disclose the step of shipping to a customer. Sanders et al. disclose a method including the step of shipping an item to a customer (see Sanders et al., Claim 21). It would have been obvious to one of ordinary skill in the art at the time of invention to ship the door system of Maro to a customer as disclosed by Sanders et al. in order to allow the customer to use the door system.

Response to Arguments

9. Applicant's arguments filed 12/30/05 have been fully considered but they are not persuasive.

10. Regarding the arguments on the rejections under 35 U.S.C. 112, second paragraph:

l. It remains unclear whether the user could carry out the steps in Claims 2 and 3 if all of the steps of Claim 1 have been carried out. Would the presence of the doors hinder the installation of the extender?

m. It remains unclear when the pivot pins are to be provided on the doors as recited in Claims 5 and 7. The applicant recites that this step occurs "before the door panels are installed" but does not define when this occurs. If one defined the doors as being installed only when the upper jamb had been installed (so that

the doors cannot fall off), then the steps could define a method where the user is attempting to install the doors on the bottom jamb without any pivot pins on them.

n. Claim 9 remains unclear as the top and bottom supports are not clearly delineated as separate, new additions to the cabinet or as the existing shelf supports. "Constructed the same" could still be interpreted to mean that the claimed supports are the same as the shelf supports.

o. Claim 11 remains unclear because although in the applicant's remarks it is stated that the claim is changed, the amended claims do not reflect this change. However, even if changed to reflect a similar clarification as Claim 9, the instant claim is still indefinite for the same reasons as Claim 9.

11. Regarding the arguments on the rejections under 35 U.S.C. 103(a):

p. Maro discloses the use of top and bottom jambs (12 and 14) installed on top and bottom supports (78 and 80) and mounts his doors between the door jambs. There is no difference between the structure defined by Claim 1 and the device of Maro.

q. Keil continues to teach the use of pivot pins mounted on plates, the only element the Maro reference lacks in the rejection of Claims 1, 4-7 and 9.

r. The Aurora reference teaches the use of a clamp (B, although it is called a "clip" in the reference, the fact the each "clip" has screws to tighten, as stated in the reference is considered sufficient to define the clip as a clamp). Element A in the reference (shown in the annotated drawing presented above) acts as an

"extender" insofar as it provides an extended space between the front of the cabinet onto which the frame is to be installed and the door being installed.

s. Sanders continues to show the step of shipping an item to a customer, the only step lacking the Maro reference in rejecting Claims 10 and 11.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/22/06

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TECHNOLOGY CENTER 3600

